

## Commission for the Iowa Department of Elder Affairs

### Minutes

April 11, 2008

Oskaloosa, IA

#### Call to Order

The Commission for the Iowa Department of Elder Affairs convened at William Penn University. Commission Chair, Daniel Ernst, called the meeting to order at 8:05 AM.

#### Roll Call

##### Members Present

Daniel Ernst, Chair  
Craig Downing  
Dava James – Telephonic connection  
Robert Neumann  
Nancy Nichols  
Rep. Palmer\*  
Leroy Plasier  
Gloria Reber

##### Members Absent

Sen. Heckroth\*  
Sen. Johnson\*  
Rep. Upmeyer\*

Representative Palmer joined the meeting at 8:10 AM and Commissioner James joined the meeting at 8:20 AM.

\*Non-voting, Ex-officio members

**Others Present:** Available on hard copy

#### Agenda

Action: There was a motion by Commissioner Downing, and a second by Commissioner Neumann, to approve the agenda as presented. All members present voted: Aye. Motion carried.

#### Minutes

Action: There was a motion by Commissioner Neumann, and a second by Commissioner Reber to approve the minutes of February 22, 2008. All members present voted: Aye. Motion carried.

## Director's Report

The following areas were highlighted in Director McCalley's report to the Commission:

### Key Indicators

1. Repairs to the SEAMLESS, the case management data base and reporting system, appear to be successful. The Area Agencies on Aging (AAA) will not be charged fourth quarter services fees.
2. The Department of Elder Affairs (DEA) sent a letter to the federal Department of Labor in coordination with eight (8) Midwestern states in objection to being held accountable to proposed (draft) federal regulations governing the Senior Community Service Employment Program/Senior Internship Program (SCSEP/SIP).
3. The DEA has received all 13 area plan updates from the AAA outlining proposed changes to their four-year area plan of service for each plan and service area (PSA). DEA staff will review and comment on the updates prior to the June Commission meeting.
4. Since the implementation of the Office of Substitute Decision Maker (OSDM), October 2007, the DEA has developed a caseload of 68 direct clients. The national recommended average is 22.  
The OSDM will begin training on the topics of conservators, power of attorney, guardianship and related issues at community colleges Spring of 2008.  
Draft administrative rules are being developed and are expected to be reviewed by the Elder Affairs Commission at the June meeting. Establishment of the OSDM within DEA, along with approved Iowa Administrative Code, must precede the RFP process for the establishment of two (2) local offices, as mandated by Iowa Code.  
Discussion was held on the OSDM and the extent to which the case load exceeds the national average and the manner in which the cases are handled. The office is handling the highly complex cases and is doing its best to refer out others. The department has asked the General Assembly for an additional 1.5 fulltime employees (FTE) for the OSDM.
5. Three local programs and statewide broadcast of Iowa Public Television's (IPTV) "Caring for your Parents" special led to increased calls to the Family Caregiver Support toll-free line (866-468-7887) and hits on the Life Long Links website ([www.lifelonglinks.org](http://www.lifelonglinks.org)). DEA was a partner in the program endeavor.
6. The Governor's Conference on Aging is May 19<sup>th</sup> and 20<sup>th</sup>. Noted author, actor, playwright and tenured professor Anna Deavere Smith will be the Keynote speaker at the 29<sup>th</sup> Annual Governor's Conference on Aging May 19<sup>th</sup>. The conference begins Sunday, May 18 with a full day of pre-conference intensives.  
The 2009 conference will be held for 3 ½ days at Hy-Vee Hall.

### Media Plan

1. IPTV – "Caring for Your Parents" broadcast April 2, 2008. The rebroadcast will be April 20, 2008.
2. The promotion of the 29<sup>th</sup> Annual Governor's Conference on Aging and Older Americans Month (May) will be ongoing.

### Grant Update

DEA was awarded a new \$300,000 grant from the Atlantic Philanthropies/National Council on Aging to expand the evidence-based chronic disease self-management program. The grant will allow the DEA in partnership with the AAA/others to implement the program statewide.

### Federal Activities

1. John McCalley, Greg Anliker and Joel Wulf, DEA Division Administrators, and Donna Harvey, Director Hawkeye Valley Area Agency on Aging met with key staff members of the Iowa Congressional Delegation March 25-26, 2008. They briefed the staff on Older Americans Act (OAA) services provided in their districts and across the state. They also advocated for a 9% increase in federal OAA program funding. A request for special project funding was made as follows:
  - a. Aging and Disability Resource Center (ADRC) funding: \$875,000 to continue the program after grant funding expires September 30, 2008.
  - b. Assisted Transportation grant funds: \$725,000 to support development of assisted transportation services in up to 30 counties in Iowa over five (5) years.
2. Three members of the DEA management team will participate in a regional meeting April 29, 2008 sponsored by the Administration on Aging (AoA) Chicago office with 10 Midwestern states.

### **Financial Report**

Greg Anliker, DEA, provided the Commission with the financial report for period July through March. The report compares FY 2008 year-to-date figures with FY 2007 year-to-date figures. Revenues have been received from the federal government allowing for disbursements to AAA which has occurred. Revenues and expenditures are now on target and slightly higher than FY 2007.

Mr. Anliker highlighted line 308 and 408 of the report indicating the significant increase is due to the on going effort in promoting the department and getting information to the public on behalf of older Iowans. The department is working to increase the availability of information approaches in accessing information through print and radio ads and interviews, conference displays and presentations.

### **Legislative Report**

Director McCalley provided the Commission with the legislative report. The Senate Appropriation Committee will likely take up the FY 2009 Health and Human Services Appropriations Bill the week of Monday, April 14. The HHS budget lodges the DEA budget. The department receives a General Fund appropriation of \$4.9 million, a decrease of \$15,000 compared to the current appropriation due to the elimination of funding for the Alzheimer's Task Force, which finished meeting in December 2007. The department also receives an \$8.4 million appropriation from the Senior Living Trust Fund (SLTF), indicating no change from current appropriations.

The department is working with Legislative Service Agency (LSA) staff and committee chairs for the appropriations sub-committee to identify \$200,000 for the continuation of

the ADRC. Discussion was held regarding the suspension of the program if funds are not received.

Legislation was enacted requiring instant disclosure of monitoring evaluations or complaint investigations for elder group homes, assisted living programs, or adult day care for nursing facilities rather than upon the completion of appeal processes.

The Health Care Reform legislation has moved through the Senate and will be picked up by the House the week of April 14. The bill, in the form returned to the House, directs the DEA to develop end-of-life decision-making materials, and long-term care options and home and community-based services public education campaigns.

The Alzheimer's Initiatives Bill, a direct result of the Alzheimer's Disease Taskforce, was moved to the unfinished business calendar in the House to keep it eligible for debate. An identical bill was passed in the Senate.

### **Resident Advocate Committee**

Jeanne Yordi, DEA, presented two resident advocate application waivers to the Commission. The application waivers presented were for Marlene Cummings of Cresco and Phyllis Richardson of Sac City. Ms. Richardson's employment with Park View Care Center ended in 2004. Ms. Cummings' employment with Cresco Care Center ended in September 2005. By approving the waiver the Commission is waiving the rule that states employment with a facility must be ceased for greater than three (3) years to become an advocate within the facility.

Action: There was a motion by Commissioner Downing, and a second by Commission Neumann to approve the resident advocate application waivers. All members present voted: Aye. Motion carried.

### **Administrative Rules**

Jeanne Yordi presented proposals to make changes to Iowa Administrative Code (IAC) 321 for Chapter 9 – Resident Advocate Committees. Minor technical changes were made and the chapter was reorganized for better understandability. A definition of resident advocate/ombudsman was added. The membership process was changed, no longer requiring Commission waiver approval for resident advocates, making it easier for volunteers. The facility administrator and Long-term Care Ombudsman would become the determining authority in whether a volunteer would be accepted into the program. The traits and skills section of the rules was removed due to the rarity of use due to the implementation of an orientation program all volunteers must attend. The orientation has been made mandatory in the new rules. The word cancellation was changed to termination throughout the chapter for standardization and grounds for termination were added. A section of the rules on resident reviews has not been used for nine (9) years due to violation of confidentiality rights therefore it has been removed to reflect current practices. Changes were also made to clarify the duties of the committee.

Action: There was a motion by Commissioner Plasier, and a second by Commissioner Downing to approve the filing of the Notices of Intended Action as presented. All members present voted: Aye. Motion carried.

**Governor's Conference on Aging Overview**

Joel Wulf gave the Commission an overview of the upcoming changes to the Governor's Conference on Aging. It is now possible to pay for the conference by credit card. An effort has been made to attract nationally recognized speakers and to expand the CEUs. There are 55 workshops with 16.25 CEUs available at this year's conference with ongoing work of making more available in the future. A day of pre-conference intensives has been added to the 2008 conference with a strong emphasis on the mental health needs of older adults. This is the first year the Elder's Rights Conference and Governor's Conference on Aging have been merged into one. The merger will result in an additional day being added to the conference as well as a new venue, Hy-Vee Hall, and a possible name change for 2009. The primary goal is to attract more people and to accommodate the need for larger workshops.

No money is appropriated to the department for the conference. The department is fully dependent upon fundraising to hold the conference. The DEA no longer regulates assisted living and adult day care facilities eliminating the conflict of interest around the sources of fundraising used for the conference. Director McCalley made it clear a contribution to a conference would not influence the level of oversight of the industry. The Ethics and Campaign Finance Disclosure Board has given clearance to the fundraising procedures.

**Area Plan '08 Amendment Process**

Greg Anliker spoke to the Commission on what to expect with the Area plan process. The plans were due to the DEA April 1. All plans have been received and an internal review is currently being conducted. Once staff comments are complied a meeting is held to ensure all comments are related to law, rule, or instructions before letters are sent out to the AAA asking for clarification or additional information. The letters are scheduled to go out to the Agencies April 18. The responses are due back two weeks after they are sent out. The data is complied and recommendations are submitted to the Commission.

The Commission will receive materials prior to the June meeting that will consist of statewide overviews as well as area by area summaries of what the plans call for. At the June meeting the AAA Director or designee will make a presentation of their 2009 plan. Recommendations will be provided as to whether a plan should be approved fully or conditionally. An action is only required by the Commission when there is an amendment to a plan, but all AAA plans will be reviewed. Most questions and concerns are addressed in advance resulting in most of the plans meeting the requirements prior to going before the Commission.

**Public Comment**

Liz Selk, Heritage Area Agency on Aging, stated she was deeply disturbed by the action the Commission took earlier in the meeting of waiving the rule requiring a resident advocate committee member to be unemployed from a facility for three (3) years before they become a resident advocate. She asked the Commission to think before they eliminate the waiver completely. It is further stated, problems can exist when the administrator is involved in selecting the volunteer, who was a former employee, who are going to represent residents.

Joel Wulf stated the department follows Chapter 17A of Iowa Code in the rules writing process. Today the Commission approved to file a notice of intended action inviting public comment that must last at least 20 days. At the end of the comment period a matrix will be provided to the Commission showing all public comment. Based on the comments the department and/or Commission may make changes prior to filing and adopting to the rules. The request for public comment for chapter 9 rules will be published in the Iowa Administrative Bulletin (IAB). Once acted upon by the Commission the proposed rules go before the Administrative Rules Committee. Ms. Selk clarified the preamble for chapter 9 stated written comment accepted on or before May 27, 2008.

Donna Harvey, Hawkeye Valley Area Agency on Aging, commented about the excitement of having an active and engaged Commission. Second, she commended and thanked the department for the exceptional work which was done in preparation for the visits to Washington DC. Lastly, she announced the retirement of Betty Grandquist, Director of the Iowa Association Area Agencies on Aging (IAA). They will be seeking a new director for the state association. Ms. Harvey thanked her for her hard work over the years.

Mark Hanson, IAA, explained there may be a possible delay in how Older American Act funds are appropriated in the upcoming year. He asked the Commission to sign on to a letter presented to Senator Tom Harkin in support of the efforts being made in relation to the funds. Director McCalley ensured a letter could be sent in support of the advocacy efforts.

Commissioner Downing thanked and wished everyone well as this was his last meeting. Director McCalley presented a plant and card to him as a token of appreciation.

#### Next Step

Commissioner Plasier requested further elaboration of chapter 9 rules from the department. Ms. Yordi will provide the requested information.

#### **Adjournment**

There being no further business to discuss at this time, Commissioner Neumann moved, Commissioner Downing seconded, to adjourn the meeting at 9:50 AM.

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Chair

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Date

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Recording Secretary

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Date